

By: Wentworth, et al.

S.B. No. 354

A BILL TO BE ENTITLED

AN ACT

relating to the carrying of concealed handguns on the campuses of institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter H, Chapter 411, Government Code, is amended by adding Section 411.2031 to read as follows:

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section, "institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential buildings

1 that are owned or operated by the institution and located on the
2 campus of the institution.

3 (e) A private or independent institution of higher
4 education in this state, after consulting with students, staff, and
5 faculty of the institution, may establish rules, regulations, or
6 other provisions prohibiting license holders from carrying
7 handguns on premises that are owned or operated by the institution
8 and located on the campus of the institution. For purposes of this
9 subsection, "premises" has the meaning assigned by Section 46.035,
10 Penal Code.

11 SECTION 2. Section 411.208, Government Code, is amended by
12 amending Subsections (a), (b), and (d) and adding Subsection (f) to
13 read as follows:

14 (a) A court may not hold the state, an agency or subdivision
15 of the state, an officer or employee of the state, an institution of
16 higher education or a private or independent institution of higher
17 education, an officer or employee of an institution of higher
18 education or a private or independent institution of higher
19 education, a peace officer, or a qualified handgun instructor
20 liable for damages caused by:

21 (1) an action authorized under this subchapter or a
22 failure to perform a duty imposed by this subchapter; or

23 (2) the actions of an applicant or license holder that
24 occur after the applicant has received a license or been denied a
25 license under this subchapter.

26 (b) A cause of action in damages may not be brought against
27 the state, an agency or subdivision of the state, an officer or

1 employee of the state, an institution of higher education or a
2 private or independent institution of higher education, an officer
3 or employee of an institution of higher education or a private or
4 independent institution of higher education, a peace officer, or a
5 qualified handgun instructor for any damage caused by the actions
6 of an applicant or license holder under this subchapter.

7 (d) The immunities granted under Subsections (a), (b), and
8 (c) do not apply to an act or a failure to act by the state, an
9 agency or subdivision of the state, an officer of the state, an
10 institution of higher education or a private or independent
11 institution of higher education, an officer or employee of an
12 institution of higher education or a private or independent
13 institution of higher education, or a peace officer if the act or
14 failure to act was capricious or arbitrary.

15 (f) For purposes of this section, "institution of higher
16 education" and "private or independent institution of higher
17 education" have the meanings assigned by Section 411.2031.

18 SECTION 3. Sections 46.03(a) and (c), Penal Code, are
19 amended to read as follows:

20 (a) A person commits an offense if the person intentionally,
21 knowingly, or recklessly possesses or goes with a firearm, illegal
22 knife, club, or prohibited weapon listed in Section 46.05(a):

23 (1) on the physical premises of a school or
24 educational institution, any grounds or building on which an
25 activity sponsored by a school or educational institution is being
26 conducted, or a passenger transportation vehicle of a school or
27 educational institution, whether the school or educational

1 institution is public or private, unless:

2 (A) pursuant to written regulations or written
3 authorization of the institution; or

4 (B) the person possesses or goes on the physical
5 premises of an institution of higher education or private or
6 independent institution of higher education, or on any grounds or
7 building on which an activity sponsored by the institution is being
8 conducted, with a concealed handgun that the person is licensed to
9 carry under Subchapter H, Chapter 411, Government Code;

10 (2) on the premises of a polling place on the day of an
11 election or while early voting is in progress;

12 (3) on the premises of any government court or offices
13 utilized by the court, unless pursuant to written regulations or
14 written authorization of the court;

15 (4) on the premises of a racetrack;

16 (5) in or into a secured area of an airport; or

17 (6) within 1,000 feet of premises the location of
18 which is designated by the Texas Department of Criminal Justice as a
19 place of execution under Article 43.19, Code of Criminal Procedure,
20 on a day that a sentence of death is set to be imposed on the
21 designated premises and the person received notice that:

22 (A) going within 1,000 feet of the premises with
23 a weapon listed under this subsection was prohibited; or

24 (B) possessing a weapon listed under this
25 subsection within 1,000 feet of the premises was prohibited.

26 (c) In this section:

27 (1) "Institution of higher education" and "private or

1 independent institution of higher education" have the meanings
2 assigned by Section 61.003, Education Code.

3 (2) [~~(1)~~] "Premises" has the meaning assigned by
4 Section 46.035.

5 (3) [~~(2)~~] "Secured area" means an area of an airport
6 terminal building to which access is controlled by the inspection
7 of persons and property under federal law.

8 SECTION 4. Section 46.035, Penal Code, is amended by adding
9 Subsection (1) to read as follows:

10 (1) Subsection (b)(2) does not apply on the premises where a
11 collegiate sporting event is taking place if the actor was not given
12 effective notice under Section 30.06.

13 SECTION 5. Section 46.11(c)(1), Penal Code, is amended to
14 read as follows:

15 (1) "Premises" has the meaning [~~"Institution of higher~~
16 ~~education" and "premises" have the meanings]~~ assigned by Section
17 481.134, Health and Safety Code.

18 SECTION 6. Section 411.208, Government Code, as amended by
19 this Act, applies only to a cause of action that accrues on or after
20 September 1, 2012. A cause of action that accrued before that date
21 is governed by the law in effect immediately before that date, and
22 that law is continued in effect for that purpose.

23 SECTION 7. Sections 46.03(a) and (c), Penal Code, as
24 amended by this Act, and Section 46.035(1), Penal Code, as added by
25 this Act, apply only to an offense committed on or after September
26 1, 2012. An offense committed before September 1, 2012, is governed
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before September 1, 2012, if any
3 element of the offense occurred before that date.

4 SECTION 8. This Act takes effect September 1, 2011.